

REMARKS

New Claims 44 and 45 are added. Claims 1-40, 44 and 45 are pending and are the only claims in this application.

Claims 1 and 44 are independent claims.

Claims 12-34 stand withdrawn as being drawn to a non-elected invention.

In the response filed October 27, 2000, Applicants confirmed their election of the composition claims of Group I, claims 1-40. Further, Applicants confirmed their election of the single disclosed species of working Example 8, where present component (b) is tris(N,N-diethylhydroxylammonium) citrate in combination with a further stabilizer which is 3-(2H-benzotriazol-2-yl)-4-hydroxy-5-sec-butyl-benzene sulfonic acid, sodium salt (CIBAFast® W).

New claims 44 and 45 are drawn to the invention of Group I and are limited to the elected species. Applicants respectfully request the Examiner to consider new claims 44 and 45 together with the invention of Group I.

Claims 1-11 and 35-40 are finally rejected in an Office Action, Paper No. 9, dated January 11, 2001. There are no allowed claims.

Claims 1-11 and 35-40 are rejected under 35 USC § 103(a) as obvious over Seltzer, et al., U.S. Pat. No. 5,051,511 (Seltzer '511) in view of Rogers, et al., U.S. Pat. No. 5,459,222 (Rogers '222).

Applicants respectfully traverse the rejections.

Seltzer '511 is aimed at hindered amine stabilizers that also contain peroxide linkages. The hindered amine stabilizers therein may be chemically bonded to polymer substrates either through their action as a free radical initiator or through grafting. Further, the Seltzer '511 reference is aimed at hindered amines with low basicity that contain peroxide linkages. The compounds were specifically designed to avoid interaction with acid catalysts used in thermosetting resins (col. 1).

Rogers '222 is aimed at ultraviolet light absorbers (UVA's) chemically bound to polyurethanes or polyesters. The UVA's therein are chemically bound to the polycondensates through the use of a diol containing a pendant UVA moiety.

Seltzer '511 mentions a host of polymer substrates in which the compounds disclosed therein are useful. Seltzer '511 also mentions the optional co-use of a whole host of known stabilizers, including hydroxylamines, for example N,N-diethylhydroxylamine.

The Examiner bases the present rejections on the disclosure in Seltzer '511 that optional stabilizers including N,N-diethylhydroxylamine may be added to for example polyurethane coating compositions, combined with the Rogers '222 teaching that polyurethane or polyester coating compositions including benzotriazole UVA's can be used to coat paper and textiles to prevent fading of dyes.

Applicants assert that claims 1-11, 35-40 and new claims 44 and 45 are not obvious in light of the combined teachings of Seltzer '511 and Rogers '222.

Applicants submit that one skilled in the art would not combine the cited references Seltzer '511 and Rogers '222 in order to solve the problem of preventing loss of brightness and resistance to yellowing of pulp or paper. The following applies:

1) The Rogers '222 reference, although generically mentioning the treatment of paper, only exemplifies the prevention of dye fading in brown aniline leather. As discussed in the response filed Oct. 27, 2000, the prevention of dye fading is not the same problem to be solved as retention of brightness in pulp or paper.

2) The Seltzer '511 reference is aimed at thermoset resins such as the coating resins exemplified in working Examples 12-14 therein. There is no mention in Seltzer '511 as to the stabilization of pulp or paper.

3) Both cited references are aimed at additives that are reactable with polymer substrates.

In light of the above discussion, Applicants submit that the skilled artisan would not look to combining the two cited references, aimed at reactable stabilizers meant to solve specific problems, in

order to solve the present problem of preventing loss of brightness and resistance to yellowing of paper or pulp.

Applicants also submit that with the combination of the Seltzer '511 and Rogers '222 references in hand, that one skilled in the art would not be able to arrive at the compositions of the present invention for a myriad of reasons:

1) Both references are aimed at very specific light stabilizers (hindered amines and UVA's) that are chemically modified in order to be reactable with a polymer. The present hydroxylamine or hydroxylamine salts are not so modified and do not require such modification.

2) The present hydroxylamine or hydroxylamine salts are not of the classes of compounds that are the focus of Seltzer '511 and Rogers '222, that is hindered amines and UVA's.

3) Seltzer '511 only very generically mentions the possible co-use of hydroxylamine stabilizers among a long list of other possible classes of stabilizers.

4) Rogers '222 is specifically aimed at polyesters or polyurethanes chemically bonded to UVA's. Seltzer '511 only generically mentions polyesters and polyurethanes among a whole host of polymer substrates.

In light of the above, with the cited references in hand, one skilled in the art would have to perform very judicious picking and choosing to arrive at the present invention, that is a stabilized composition comprising pulp or paper and an effective amount of certain hydroxylamines or their salts.

Further, the Rogers '222 reference does not teach the use of Cibafast[®] W, the sodium salt of 3-(2H-benzotriazol-2-yl)-4-hydroxy-5-sec-butylbenzene sulfonic acid, but rather teaches that it is an ineffective stabilizer relative to the inventive stabilizers therein. In Example 21 of Rogers '222, cited by the Examiner, Cibafast[®] W is shown to be ineffective relative to a polymer-bound benzotriazole UVA. The Rogers '222 reference then teaches away from the present invention of a stabilized composition that further comprises Cibafast[®] W.

In light of the above discussion, Applicants assert that one skilled in the art would not combine the cited references in order to solve the problem of formulating paper or pulp compositions stabilized

against the loss of brightness and having resistance to yellowing; that even with the combination of cited references in hand one skilled in the art would not be able to arrive at the present invention; and further that the skilled artisan could not choose specific stabilizers, a specific class of stabilizers, or a combination of specific stabilizers that are very generically disclosed in the cited references with any expectation of success towards preventing brightness loss and yellowing in paper or pulp.

Applicants aver that the present rejections of claims 1-11 and 35-40 under 35 USC § 103(a) are addressed and are overcome.

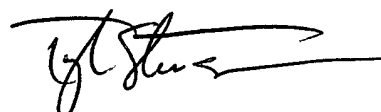
Applicants respectfully request the Examiner to reconsider and to withdraw the rejections.

Applicants also note that new claims 44 and 45 are drawn only the elected species, and require component (a) to be the citrate salt of N,N-diethylhydroxylamine. Salts of hydroxylamines are not even generically mentioned in the combination of cited references; Applicants submit therefore that claims 44 and 45 are in condition for allowance.

In view of the all of the above remarks, Applicants submit that claims 1-40, 44 and 45 are in condition for allowance and respectfully request the Examiner to find them allowable.

Applicants also take this opportunity to submit a co-pending application to be considered as a relevant reference. The co-pending application is submitted herewith and cited on form PTO 1449. Co-pending application Ser. No. 09/119,567, filed July 20, 1998, was found allowable in a Notice of Allowance mailed March 7, 2001. The original application is submitted along with a copy of claims as allowed.

Respectfully submitted,



Tyler A. Stevenson
Agent for Applicants
Reg. No. 46,388

Ciba Specialty Chemicals Corp.
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
Tel. (914)785-2783
Fax (914)785-7102

June 8, 2001

Attachments: Copending application 09/119,567 filed Jul. 20, 1998
Allowed claims of 09/119,567
PTO form 1449